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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,044	03/03/2006	Takashi Oku	075834.00553	1699
33448	7590	05/21/2008	EXAMINER	
ROBERT J. DEPKE			ZETTL, MARY E	
LEWIS T. STEADMAN				
ROCKEY, DEPKE & LYONS, LLC			ART UNIT	PAPER NUMBER
SUITE 5450 SEARS TOWER				2875
CHICAGO, IL 60606-6306				
MAIL DATE		DELIVERY MODE		
05/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/571,044	OKU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MARY ZETTL	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 2/21/2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4,6,7,9,12-19 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) 12-15, 18, 19 and 21-35 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,6,7,9,16, and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 February 2008 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/26/2008 and 3/26/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 6, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rika et al. (JP 08-335044).

Regarding claim 1, Rika et al. discloses a light source for emitting light, and a diffuser (12) disposed between the light source (32; Figure 11) and a liquid crystal display device (paragraph 1), wherein the diffuser is comprised of a continuous body of a first resin material and diffusion elements (paragraph 21), each of the diffusion elements being comprised of a second resin material different from the first resin material (paragraph 21), and the diffusion elements are located within the continuous body of the first resin material and are surrounded by portions of the first resin material (Figure 4).

Regarding claim 2, Rika et al. discloses the diffuser further including a light distribution layer having a prismatic surface facing toward the liquid crystal display (paragraph 68).

Regarding claim 4, Rika et al. discloses the first resin material and the second resin material are resin materials having a refractive index ranging from 1.2 to 1.7 (paragraph 21).

Regarding claim 6, Rika et al. teaches the diffuser (12) comprising a light receiving portion (11) for receiving the light emitted from the light source formed integrally with the diffuser and disposed more toward the light source (32) than the diffuser (12).

Regarding claim 16, Rika et al. discloses the liquid crystal display apparatus comprising: a liquid crystal portion (paragraph 1); a backlight (10) for illuminating the liquid crystal display portion; wherein the backlight includes a light source for emitting light, and a diffuser (12) disposed between the light source (32; Figure 11) and a liquid crystal display device (paragraph 1), wherein the diffuser is comprised of a continuous body of a first resin material and diffusion elements (paragraph 21), each of the diffusion elements being comprised of a second resin material different from the first resin material (paragraph 21), and the diffusion elements are located within the continuous body of the first resin material and are surrounded by portions of the first resin material (Figure 4).

Regarding claim 17, Rika further discloses a light focusing layer (11) for focusing the light emitted from the light source (32), formed integrally with the diffusion layer (figure 4), and disposed more toward the light source (32) than the diffusion layer (12).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rika et al. (JP 08-335044).

Regarding claim 7, Rika et al. discloses the light receiving portion having a projecting shape (11b) on a surface thereof facing to the light source.

Rika et al. does not disclose expressly the projecting shape being a prismatic shape.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have changed the shape of Rika et al. to a prismatic shape, since it has been held that a mere change in shape of an element is generally recognized as being within the level of ordinary skill in the art when the change in shape is not significant to the function of the combination. Further, one would have been motivated to select the shape of a prism for the purpose of the in coupling efficiency.

See *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 9, Rika et al. does not disclose expressly the light receiving portion being composed of the first resin.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have omitted layer 11 or to have made it out of the same material as layer 12, such that prisms were mounted directly on the first resin, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY ZETTL whose telephone number is (571)272-6007. The examiner can normally be reached on M-F 8am-5pm.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MZ/  
/Sharon E. Payne/  
Primary Examiner, Art Unit 2875